

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LYDIA BOSHCA,

Plaintiff,

-against-

CVS HEALTH CORPORATION, CVS  
ALBANY LLC, d/b/a CVS PHARMACY,

Defendants.  
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**NOTICE OF REMOVAL**

Index No.: 2:18-cv-900

Defendant CVS HEALTH CORPORATION, CVS ALBANY LLC, d/b/a CVS PHARMACY, through its attorneys, Landman Corsi Ballaine & Ford P.C., respectfully states upon information and belief:

1. On January 19, 2018, Plaintiff served on the New York Secretary of State the Summons and Verified Complaint in this action, which is currently pending in the Supreme Court of the State of New York, Suffolk County. A copy of the Summons and Verified Complaint is annexed hereto as Exhibit A. This constitutes all prior pleadings/orders served upon defendants to date.

2. Defendant is removing this action based on diversity of citizenship. This Court has jurisdiction over this action under the provisions of 28 U.S.C. § 1332. The action is removable to this Court under the provisions of 28 U.S.C. § 1441(a). There is complete diversity of citizenship between the parties:

(a) Plaintiff is a citizen of New York. According to the Summons and Verified Complaint, Plaintiff is a resident of the State of New York. *See Exhibit A.*

- (b) Defendant CVS Pharmacy, Inc. is a Rhode Island corporation with its principal place of business at One CVS Drive, Woonsocket, Rhode Island 02895. It is a citizen of Rhode Island and was not at the commencement of this action, or at any time thereafter, incorporated in the State of New York.
- (c) CVS PHARMACY LLC is a New York Limited Liability Corporation, and the sole shareholder of CVS PHARMACY LLC is CVS PHARMACY INC.
- (d) CVS PHARMACY INC. is a Rhode Island Corporation with its principal place of business at One CVS Drive, Woonsocket, Rhode Island 02895.

3. Plaintiff does not identify the specific amount of damages she allegedly incurred within the Complaint, but states that the amount of damages exceeds the jurisdictional limit of any lower court. *See Exhibit A*, at ¶15.

4. Plaintiff has made a demand to CVS's representative that exceeds \$75,000. Based on the seriousness of Plaintiff's allegations and Plaintiff's demand it is clear that the amount in controversy exceeds \$75,000. Thus, Plaintiff's claim exceeds the \$75,000 jurisdictional threshold of this Court.

**WHEREFORE**, defendant prays that the action now pending against it in the Supreme Court of the State of New York in and for the County of Suffolk be removed therefrom to this Court.

Dated: New York, New York  
February 9, 2018

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By:

  
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Ronald E. Joseph  
Attorneys for Defendant  
CVS HEALTH CORPORATION, CVS ALBANY  
LLC, d/b/a CVS PHARMACY

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